

MEMORANDUM

#5039
5/12/88 4
MAY 12, 1988

TO: BOSTON REDEVELOPMENT AUTHORITY
AND STEPHEN COYLE, DIRECTOR

FROM: LINDA BOURQUE, ASSISTANT DIRECTOR FOR
NEIGHBORHOOD PLANNING AND ZONING
TERRI WILKINSON, SPECIAL ASSISTANT

SUBJECT: AUTHORIZATION TO PETITION THE ZONING COMMISSION FOR
A TEXT AMENDMENT TO THE ZONING CODE WHICH WOULD MAKE
THE OPERATION OF RETAIL USES BETWEEN THE HOURS OF 12
MIDNIGHT AND 6:00 A.M. CONDITIONAL IN THE B-1 AND B-2
GENERAL BUSINESS DISTRICTS.

EXECUTIVE SUMMARY: City residents have been concerned about retail establishments that operate between midnight and 6:00 A.M. in their neighborhoods. The nighttime noise and traffic often associated with 24-hour retail uses can negatively impact residential areas. To ensure that 24-hour uses are located in appropriate areas, staff proposes that the operation of retail uses between the hours of 12 midnight and 6:00 A.M. be made conditional in the B-1 and B-2 General Business Districts, as is currently the case in the L Local Business Districts.

This proposed text amendment is a response to community residents, who, concerned about the noise, traffic, and vandalism which they experience from the users of retail establishments operating between midnight and 6:00 A.M., have sought help from city representatives. Councillor James Byrne has responded to this concern by recommending that the BRA and Zoning Commission consider a text amendment which would make retail establishments operating between midnight and 6:00 A.M. conditional in B districts.

The operation of retail uses between the hours of 12 midnight and 6:00 A.M. is now conditional in all L districts, which commonly abut residential districts. Most B-1 and B-2 districts are also located within predominantly residential areas; whereas, the higher FAR B districts are only found in the downtown. Therefore, staff believes that amending the Code to make the operation of retail uses between midnight and 6:00 A.M. conditional in the B-1 and B-2 districts, and thereby subject to community and city review

through the Board of Appeal process, would help to prevent or lessen the conflicts between residential and business uses in the city's predominantly residential neighborhoods.

24-hour uses in these outlying neighborhoods have been the focus of community concern. One of the most common 24-hour retail uses - the auto-oriented convenience store with gas pumps - is most apt to locate in the city's outer neighborhoods, and to result in the nighttime traffic and noise that are nuisances to residents. Because the B-1 and B-2 districts are primarily located outside the downtown in the more suburban parts of the city, amending the B-1 and B-2 rather than all B districts should address community concerns.

The business zoning of the downtown ranges from B-3 to B-10, with areas of B-2 located along Massachusetts Avenue between Boylston and Huntington and in the North End. Although the downtown has a significant residential component, it is a major business district that serves regional needs. Retail uses, as well as cultural activities such as the theater, help produce the downtown's active pedestrian night life. Therefore, staff recommends that 24-hour retail establishments remain as allowed uses in the downtown to help support pedestrian activity and encourage desirable uses like the theater.

A recommended vote follows:

VOTED: That the Director is authorized to petition the Zoning Commission for a text amendment to the Zoning Code which would make the operation of retail uses between the hours of 12 midnight and 6:00 A.M. conditional in the B-1 and B-2 General Business Districts, in substantial accord with the petition submitted to the Authority at its meeting of May 12, 1988. This text amendment would provide the community and city with the ability to review 24-hour retail uses proposed in neighborhoods where resulting traffic and noise could be detrimental to nearby and adjacent residential uses.

Text Amendment Application No.
Boston Redevelopment Authority
Retail uses midnight-6:00 A.M.
conditional in B-1 and B-2 districts

TO THE ZONING COMMISSION OF THE CITY OF BOSTON:

The Boston Redevelopment Authority petitions to amend the text of the Boston Zoning Code, as established under Chapter 665 of the Acts of 1956 as amended, as follows:

1. By inserting in Use Item No. 34 in Table A of Section 8-7, respecting store primarily serving local retail business needs, in the footnote starting with an asterisk, between the words "*Except C" and the words "if the hours..." the following words:

in all L and in B-1 and B-2 districts
2. By inserting in Use Item No. 34 in Table A of Section 8-7, respecting store primarily serving local retail business needs, in the column entitled "B", after the letter "A+", the additional symbol

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Petitioner: Boston Redevelopment Authority

By: Stephen Coyle, Director

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Boston, MA 02201

Telephone: 722-4300, ext. 404

Date: _____

